

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA )  
                                )  
                                Case No. 1:10-CR-9  
v.                             )  
                                )  
                                Chief Judge Curtis L. Collier  
ERNEST MONTGOMERY        )  
                                )

**O R D E R**

The Court has received a Report and Recommendation (“R&R”) from United States Magistrate Judge William B. Carter, recommending Defendant Ernest Montgomery (“Defendant”) be found competent to stand trial (Court File No. 22). The Court has received a letter Deborah A. Hickey, Warden of the Federal Bureau of Prisons in Lexington, Kentucky, and a mental health evaluation of Defendant (Court File No. 21). The findings in the evaluation were that Defendant is competent to stand trial, and is not suffering from a mental disease or defect to the extent he is unable to understand the nature and consequences of the proceedings filed against him or assist properly in his own defense. On September 23, 2010, Defendant filed a signed Waiver of Competency Hearing with this Court (Court File No. 17).

Based upon this information, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter’s R&R (Court File No. 22), pursuant to 28 U.S.C. § 636(b)(1), and **DETERMINES** Defendant is competent to stand trial.

**SO ORDERED.**

**ENTER:**

*/s/*

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**CURTIS L. COLLIER  
CHIEF UNITED STATES DISTRICT JUDGE**